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# A BILL FOR AN ACT

RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. This Act is recommended by the governor for  
2 immediate passage in accordance with section 9 of article VII of  
3 the Hawaii State Constitution.

4 SECTION 2. The purpose of this Act is to appropriate funds  
5 to:

6 (1) Cover the costs of recovery efforts that are the  
7 result of storms that occurred in February and March  
8 2006; and

9 (2) Hire consultants to:

10 (A) Determine the structural integrity of dams and  
11 reservoirs statewide;

12 (B) Assess potential immediate risks; and

13 (C) Recommend long-term plans to ensure dam safety.

14 SECTION 3. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ , or so  
16 much thereof as may be necessary for fiscal year 2005-2006, for  
17 staff expenses and to hire consultants to assess the impact



1 existing dams and reservoirs have on agricultural operations and  
2 the impact if existing dams and reservoirs were removed.

3 The sum appropriated shall be expended by the department of  
4 agriculture for the purposes of this Act.

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ , or so  
7 much thereof as may be necessary for fiscal year 2005-2006, for  
8 the controlled breaching of the Kailua reservoir and dam in  
9 Waimanalo, Oahu.

10 The sum appropriated shall be expended by the department of  
11 agriculture for the purposes of this Act.

12 SECTION 5. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ , or so  
14 much thereof as may be necessary for fiscal year 2005-2006, for  
15 overtime, travel and other staff expenses and to hire  
16 consultants and experts to review legal issues related to dam  
17 and reservoir failures and issues relating to the safety of  
18 existing dams and reservoirs. Funds may also be used for  
19 expenses related to possible litigation concerning dam and  
20 reservoir failures and to hire consultants to conduct an  
21 independent investigation regarding reservoir failures and  
22 issues relating to the safety of existing dams and reservoirs.

1 The sum appropriated shall be expended by the department of  
2 the attorney general for the purposes of this Act.

3 SECTION 6. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ , or so  
5 much thereof as may be necessary for fiscal year 2005-2006, to  
6 cover operational expenses associated with storm recovery  
7 efforts, including but not limited to state civil defense  
8 twenty-four-hour emergency operations center overtime costs  
9 expended by civil defense workers, contractors that are helping  
10 to pump reservoirs to maintain safer water levels, national  
11 guard personnel on state active-duty status, and Blackhawk  
12 helicopter operating expenses.

13 The sum appropriated shall be expended by the department of  
14 defense for the purposes of this Act.

15 SECTION 7. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ , or so  
17 much thereof as may be necessary for fiscal year 2005-2006, for  
18 staff expenses and to hire consultants to conduct surveys,  
19 studies, and assessments of private and government owned dams  
20 and reservoirs statewide to determine their current physical  
21 integrity. Assessments shall include recommendations for future  
22 structural needs and identification of potential effects or

1 threats to areas around and downstream of the dams and  
2 reservoirs.

3 The sum appropriated shall be expended by the department of  
4 land and natural resources for the purposes of this Act;  
5 provided that of the \$ , appropriated, \$ , or  
6 so much thereof as may be necessary, may be used to repair the  
7 breach at Ka Loko reservoir on Kauai and relocate the spillway.

8 SECTION 8. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ , or so  
10 much thereof as may be necessary for fiscal year 2005-2006, for  
11 staff expenses and to hire consultants to respond to and assess  
12 flood damage at state parks and on state lands.

13 The sum appropriated shall be expended by the department of  
14 land and natural resources for the purposes of this Act.

15 SECTION 9. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ , or so  
17 much thereof as may be necessary for fiscal year 2005-2006, for  
18 the dredging and removal of mud and silt accumulated at the  
19 entrance to the Wailoa river, Hilo, Hawaii.

20 The sum appropriated shall be expended by the department of  
21 land and natural resources for the purposes of this Act.

1 SECTION 10. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$ , or so  
 3 much thereof as may be necessary for fiscal year 2005-2006, for  
 4 the roadway and slope stabilization along a portion of Roundtop  
 5 drive, Oahu and for storm property damage incurred on the state  
 6 owned lands in Maunalaha valley, Oahu, including but not limited  
 7 to hiring of consultants to plan, design, and construct roadway  
 8 and slope stabilization measures, repair internal roadways and  
 9 drainageways, and clear streams of sediment and debris in  
 10 Maunalaha valley.

11 The sum appropriated shall be expended by the department of  
 12 land and natural resources for the purposes of this Act.

13 SECTION 11. There is appropriated out of the general  
 14 revenues of the State of Hawaii the sum of \$ , or so  
 15 much thereof as may be necessary for fiscal year 2005-2006, for  
 16 the roadway and slope stabilization below a portion of Roundtop  
 17 drive, Oahu on the Manoa valley side and for storm property  
 18 damage incurred on the state owned lands in Manoa valley, Oahu,  
 19 including but not limited to hiring of consultants to plan,  
 20 design, and construct slope stabilization measures, repair  
 21 drainageways, and clear area sediment and debris in Manoa  
 22 valley.



1 The sum appropriated shall be expended by the department of  
2 land and natural resources for the purposes of this Act.

3 SECTION 12. There is appropriated out of the state highway  
4 fund the sum of \$ , or so much thereof as may be  
5 necessary for fiscal year 2005-2006, for staff and other  
6 expenses, including equipment rentals, and to hire contractors  
7 and consultants for repair of road damage and stabilization of  
8 road embankments on Kuhio highway, Kauai.

9 The sum appropriated shall be expended by the department of  
10 transportation for the purposes of this Act.

11 SECTION 13. There is appropriated out of the state highway  
12 fund the sum of \$ , or so much thereof as may be  
13 necessary for fiscal year 2005-2006, for the repair and  
14 maintenance to Round Top drive in Tantalus, Honolulu, due to  
15 damage caused by the heavy rain and flooding.

16 The sum appropriated shall be expended by the department of  
17 transportation for the purposes of this Act.

18 SECTION 14. There is appropriated out of the state highway  
19 fund the sum of \$ , or so much thereof as may be  
20 necessary for fiscal year 2005-2006, and out of federal funds  
21 the sum of \$ , or so much thereof as may be necessary  
22 for fiscal year 2005-2006, for a capital improvement project to



1 design and construct emergency roadway erosion remediation at  
2 various locations on Kauai damaged by the storms in February and  
3 March 2006. Work shall include:

4 (1) Installing temporary and permanent erosion control  
5 measures;

6 (2) Restoring roadways, shoulders, and utility  
7 improvements;

8 (3) Installing guardrails and shoulder stabilization  
9 measures;

10 (4) Installing retaining walls;

11 (5) Upgrading drainage structures; and

12 (6) Installing other miscellaneous improvements.

13 The sums appropriated shall be expended by the department  
14 of transportation for the purposes of this Act.

15 SECTION 15. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_, or so  
17 much thereof as may be necessary for fiscal year 2005-2006, for  
18 the repair and maintenance of public infrastructure caused by  
19 heavy rain and flooding in the city and county of Honolulu;  
20 provided that if the city and county of Honolulu receives  
21 emergency funds from the Federal Emergency Management Agency,  
22 the city and county of Honolulu shall reimburse the State in an



1 amount not to exceed the amount appropriated to the city and  
2 county of Honolulu under this Act.

3 The sums appropriated shall be expended by the city and  
4 county of Honolulu for the purposes of this Act.

5 SECTION 16. Each department or agency expending funds  
6 authorized by this Act shall submit reports to the legislature  
7 no later than July 15, 2006, January 15, 2007, and July 15,  
8 2007. The information contained in the reports shall:

- 9 (1) Be organized by county;
- 10 (2) Provide summaries of expenditure data on a statewide  
11 basis; and
- 12 (3) Include but not be limited to:
  - 13 (A) The date of each expenditure;
  - 14 (B) The purpose and a description of each  
15 expenditure;
  - 16 (C) The identification of any recipient of payments  
17 from each expenditure; and
  - 18 (D) If funds not authorized by this Act are used by  
19 any department or agency for the purposes of this  
20 Act:
    - 21 (i) The source of those funds, by specific  
22 program;



1 (ii) The impact to the programs originally funded  
2 by those funds; and

3 (iii) The need for any emergency appropriations  
4 that resulted from the diversion of those  
5 funds.

6 SECTION 17. The reports required from the department of  
7 land and natural resources under section 16 of this Act shall  
8 also contain progress reports that include:

9 (1) A list of dams for which inspections have been  
10 completed;

11 (2) A list of dams that are currently in the process of  
12 being inspected; and

13 (3) A list of dams that have not yet been inspected.

14 SECTION 18. Any provision of this Act to the contrary  
15 notwithstanding, the appropriations authorized under this Act  
16 shall not lapse at the end of the fiscal year for which the  
17 appropriations were made. All unexpended and unencumbered  
18 balances of the appropriations made in this Act as of the close  
19 of business on June 30, 2007, shall lapse.

20 SECTION 19. This Act shall take effect upon its approval.



HB970, SD1

**Report Title:**

Emergency Relief for Natural Disasters

**Description:**

Emergency appropriations for the damage and destruction caused by heavy rains and flooding in February and March 2006. (HB970 SD1)

